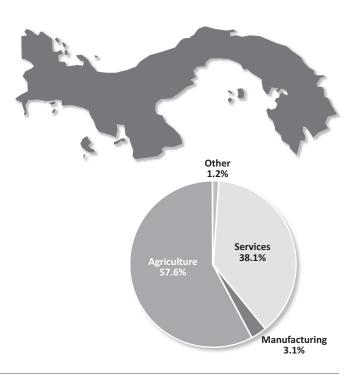
Panama

The Government of Panama has a strong policy framework to combat the worst forms of child labor. However, gaps remain in legal prohibitions on some worst forms of child labor. In addition, children continue to engage in the worst forms of child labor in agriculture and urban informal work.

Statistics on Working Children and School Attendance

| Children | Age | Percent |
|---------------------------|------------|---------|
| Working | 10-14 yrs. | 5.1% |
| Attending School | 6-14 yrs. | 93.8% |
| Combining Work and School | 7-14 yrs | 3.1% |



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor³⁹⁶⁷ in Panama, many of them in agriculture, where they are exposed to pesticides, often carry heavy loads, and work in extreme weather conditions. Some children cultivate coffee and to lesser extent, sugarcane. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of melons, tomatoes, and onions.³⁹⁶⁸ The rate of child labor among indigenous children is approximately three times the national rate.³⁹⁶⁹ Children from indigenous communities frequently migrate with their families for agricultural work, sometimes crossing into Costa Rica.³⁹⁷⁰

In urban areas, children work on the streets selling goods, shining shoes, washing cars, and assisting bus drivers. These activities often carry the risk of illness and injury as they require high physical exertion and exposure to densely transited areas with the risk of auto accidents.³⁹⁷¹

In addition, many children, mostly girls of indigenous or Afro-Panamanian descent, work as domestic servants, where they are vulnerable to physical, psychological, or sexual abuse. According to the most recent child labor census published in 2009,

approximately 3,700 children and adolescents work in domestic service. 3972

Children are also victims of commercial sexual exploitation, particularly in rural areas and in the city of Colon. In addition, some girls are trafficked within the country for the purpose of forced labor in domestic service.³⁹⁷³

Laws and Regulations on the Worst Forms of Child Labor

Panama's Constitution, Family Code, and Labor Code set the minimum age for employment at 14.3974 According to the Labor Code, however, children who have not completed primary school may not begin work until they reach age 15.3975 Similarly, the Law on Education notes that children under the age of 15 cannot work or participate in other activities that deprive them of their right to attend school regularly.³⁹⁷⁶ The Constitution specifically prohibits children from engaging in domestic service before they reach age 14.3977 While the Family and Labor Codes allow children to begin light work in agriculture at age 12, the Agriculture Code prohibits children under the age of 14 from working in agriculture. 3978 CEACR has noted that neither the Family nor the Labor Codes provides clear regulations for the conditions under which children age 12 to 14 may engage in light work.3979

Various laws and an executive decree govern hazardous work by children. The Family Code and the Labor Code prohibit children less than age 18 from certain activities and types of hazardous work, including work in venues where alcohol is sold, in public transport, with electricity, with toxic substances, and underground.3980 Panama adopted Decree No. 19, a comprehensive list of hazardous work for children, in 2006, which provides 29 additional hazardous types of work prohibited for children under age 18, including work underwater or on ships, with pesticides, involving exposure to extreme weather conditions, with heavy equipment or dangerous tools, involving carrying heavy loads, in the transport of goods or people, and in trash recycling.³⁹⁸¹ Both the Labor Code and Penal Code establish penalties for employing children in hazardous or illegal occupations.3982

| ST TO | C138, Minimum Age | ✓ |
|--------|--|----------|
| ATTORY | C182, Worst Forms of Child Labor | ✓ |
| | CRC | ✓ |
| | CRC Optional Protocol on Armed Conflict | ✓ |
| | CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography | ✓ |
| | Palermo Protocol on Trafficking in Persons | ✓ |
| | Minimum Age for Work | 14 |
| | Minimum Age for Hazardous Work | 18 |
| | Compulsory Education Age | 14 |
| | Free Public Education | Yes |

Legislation that increased penalties for commercial sexual exploitation of children went into effect in May 2008. While the Penal Code prohibits soliciting and paying for prostitution with a minor, there is no prohibition on benefiting from the proceeds of child prostitution or operating a brothel that employs children.³⁹⁸³ The Penal Code provides comprehensive prohibitions against child pornography, including its production, distribution, possession, or promotion. Child sex tourism is also prohibited.³⁹⁸⁴ Trafficking

of minors domestically and internationally for sexual purposes is punishable with prison and fines. However, trafficking for the purpose of forced labor is not prohibited.³⁹⁸⁵ In addition, while Panamanian law prohibits the use of children in illicit activities, it does not establish penalties for violations.³⁹⁸⁶

Institutional Mechanisms for Coordination and Enforcement

The Committee for the Eradication of Child Labor and the Protection of Adolescent Workers (Comité para la Erradicación de Trabajo Infantil y la Protección del Trabajador Adolescente, CETIPPAT) coordinates various efforts to combat child labor, including the implementation of the country's National Plan of Action. CETIPPAT comprises 27 institutions, businesses, and NGOs, and it is led by the First Lady. Members include the Ministries of Labor (Ministerio de Trabajo y Desarollo Laboral, MITRADEL), Education, Health, and Agriculture, as well as representatives from international, workers' and employers' organizations.3987 In addition, the National Commission for the Prevention of Crimes of Sexual Exploitation (Commissión Nacional para la Prevención de Delitos de Explotación Sexual, CONAPREDES) coordinates government efforts to combat the commercial sexual exploitation of children (CSEC), and is led by the Office of the Attorney General. Members of the CONAPREDES include the Ministries of Labor, Education, Social Development, and Health, as well as representatives from civil society organizations, universities, and international organizations.3988 CONAPREDES met once during the reporting period.3989

The Ministry of Labor is charged with enforcement of child labor laws. During the reporting period, the Government of Panama established the National Bureau against Child Labor and for the Protection of Adolescent Workers within the MITRADEL, replacing the previous department charged with the enforcement of child labor laws. MITRADEL employed 150 labor inspectors, four of whom are dedicated exclusively to child labor issues. All labor inspectors were trained to identify child labor violations. Septiment of the MITRADEL's general labor hotline or in-person at one of the MITRADEL offices. Page 12009, MITRADEL had a budget of approximately \$500,000 to combat

child labor. The total amount of funding allocated to all government institutions to combat child labor was approximately \$4.5 million.³⁹⁹³

During the reporting period, MITRADEL carried out 1,102 child labor inspections in the formal sector, and confirmed 72 cases of the worst forms of child labor in agriculture, car washes, landfills, and fishing, among others.³⁹⁹⁴ Because of inspections, 436 children were referred to services provided by CETIPPAT. Sanctions were imposed on seven businesses for violation of child labor laws. 3995 MITRADEL also inspected 11 coffee farms and identified 16 children working. The employers received guidance on child labor laws as a result.3996 MITRADEL provided trainings on child labor to government officials, including 130 labor inspectors during the reporting period.³⁹⁹⁷ MITRADEL coordinates with Child and Adolescent Courts and the National Secretariat for Childhood, Adolescence, and Family to refer cases of children found in exploitive work outside of the formal economy.3998

The Panamanian National Police Sex Crimes Unit is responsible for investigating trafficking cases. The Department of Judicial Investigations also operated a unit of three staff dedicated to investigating CSEC and trafficking in persons for sexual exploitation.³⁹⁹⁹ There are 14 attorneys specializing in the prosecution of CSEC and trafficking cases nationwide. During the reporting period, the Government investigated seven cases of commercial sexual exploitation of children, resulting in one conviction.⁴⁰⁰⁰

During 2009, MITRADEL provided training to its labor inspectors to identify CSEC cases. In addition, law enforcement officers, prosecutors, and judges received training on trafficking issues.⁴⁰⁰¹ In 2008, the Government established a special trafficking victims unit inside the National Immigration Office. This unit provides protection and legal assistance to trafficking victims and oversees prevention efforts, such as education campaigns.⁴⁰⁰²

Government Policies on the Worst Forms of Child Labor

In 2009, Panama continued implementation of its National Plan for the Eradication of Child Labor and the Protection of Young Workers (2007-2011).

The goal of the plan is to eliminate the worst forms of child labor by 2015 and eradicate all illegal child labor by 2020. The National Plan is administered through CETIPPAT. The plan aims to raise awareness, strengthen national legislation, improve the quality of life of families, reintegrate former child workers into the educational system, and produce systems to monitor working children, and it makes specific reference to the needs of indigenous children. During 2009, Panama adopted the Roadmap towards the Elimination of Child Labor which aims to achieve the goals of the National Plan to eliminate the worst forms of child labor by 2015 and all child labor by 2020 through strengthening anti-poverty, health, and educational programs and policies.

During the reporting period, CONAPREDES implemented a National Plan of Action against CSEC (2008-2010), which aims to increase capacity victim identification, raise awareness, improve public policy, strengthen legislation, and ensure victim assistance. 4005

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the Government's Institute for Human Resources, Capacity Building, and Vocational Training provided scholarships to child laborers, 4006 and operated eight student centers around the country to ensure that children in remote areas could attend secondary school. 4007 The Institute of Vocational Training for Human Development provided skills training to parents of child workers to reduce families' reliance on child labor, investing a total of \$156,546 in the program. 4008 The National Secretariat of Children, Adolescents, and Family implemented programs to detect children in commercial sexual exploitation and engage private sector entities to combat child labor. 4009

The Government provided shelter and other services and funded NGOs to assist child victims of CSEC and trafficking. 4010 The CONAPREDES carried out awareness-raising activities on the commercial sexual exploitation of children for members of civil society and government officials. The CONAPREDES also implemented a monitoring system of government actions as part of the National Plan of Action against CSEC. 4011 Although the Government of Panama has implemented programs to address commercial sexual

exploitation, research found no evidence that it has carried out programs to assist children involved in agriculture and urban informal work.

The Government continued to participate in a 4-year \$3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain. 4012

In recent years, the Government has implemented social programs to combat poverty among the most vulnerable and increase children's and families' access to basic and vocational education. For example, a conditional cash transfer program called

Red de Oportunidades (Network of Opportunities) provides cash transfers to families depending on their participation in health and education services. The program also offers training to beneficiaries to improve income generation opportunities. The question of whether this program has an impact on the worst forms of child labor does not appear to have been addressed. In addition, although the Government of Panama has implemented programs to address the commercial sexual exploitation of children, research found no evidence that it has carried out programs to assist children involved in agriculture and urban informal work.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Panama:

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the Penal Code to explicitly prohibit trafficking in persons for the purpose of forced labor.
- Revise the Penal Code to establish penalties for the use of children for illicit activities.
- Establish clear regulations for the conditions under which children between the ages 12 and 14 may engage in light agricultural work to ensure they are not exposed to hazardous labor.
- Amend the Penal Code to eliminate gaps in existing laws related to child prostitution.

IN THE AREA OF PROGRAMS:

- Assess the impact that the national conditional cash transfer program, Red de Oportunidades, may have on addressing the worst forms of child labor, and consider whether families with children in or at risk of entering the worst forms of child labor need to be specifically targeted by the program.
- Develop social programs to address the worst forms of child labor in agriculture and urban informal work.

³⁹⁶⁷ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2003. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

3968 Casa Esperanza and Creative Association International, Situación del Trabajo Infantíl en Zonas Agrícolas Productoras de Melón de Exportación, Tomate Industrial y Cebolla, June 2006, 37, 40, 60. See also ILO-IPEC, Prevention and Elimination of Child Labour and Hazardous Work in Panama, PHASE II, Project Document, Geneva, September 15, 2006, 9. See also Creative Association International, El DESTINO hacia la Educación: Disminuyendo y Erradicando el Trabajo Infantil para Nuevas Oportunidades, Project Document, August 16, 2004, 19. See also U.S. Embassy- Panama, reporting, February 23, 2010.

³⁹⁶⁹ Instituto Nacional de Estadística y Censo, "Cuadro 2. POBLACIÓN DE 5 A 17 AÑOS DE EDAD EN LA REPÚBLICA, POR SEXO, SEGÚN ÁREA Y EDAD: ENCUESTA DE TRABAJO INFANTIL, OCTUBRE DE 2008", [online], 2008; available from http://www.contraloria.gob.pa/inec/Publicaciones/05-03-26/cuadro2.pdf.

- ³⁹⁷⁰ U.S. Department of State, "Panama," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136121.htm. See also U.S. Department of State, "Costa Rica," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136107.htm.
- ³⁹⁷¹ ILO-IPEC, *Trabajo Infantil Urbano Peligroso en Panamá: Un Estudio de Línea de Base*, May 2005, 62-65; available from http://www.oit.org.pe/ipec/documentos/oit_linea_web.pdf. See also Contraloría General de la República, El Ministerio de Trabajo y Desarrollo Laboral, El Ministerio de Desarrollo Social, and ILO-IPEC, *Análisis del Trabajo Infantil en el Panamá 2000-2008*, 2009, 18, 68, 70; available from http://white.oit.org.pe/ipec/alcencuentros/interior.php?notCodigo=1763. See also U.S. Embassy-Panama, *reporting, February 23, 2010*.
- ³⁹⁷² ILO-IPEC, *El trabajo infantil doméstico en Panamá*, September 2002, 23, 43, 67; available from http://white. oit.org.pe/ipec/documentos/ras_cdl_panama.pdf. See also Contraloría General de la República, El Ministerio de Trabajo y Desarrollo Laboral, El Ministerio de Desarrollo Social, and ILO-IPEC, *Análisis del Trabajo Infantil en el Panamá 2000-2008*, 70.
- ³⁹⁷³ U.S. Department of State, "Panama (Tier 2 Watch List)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm. See also U.S. Department of State, "Country Reports- 2009: Panama," section 6.
- ³⁹⁷⁴ Government of Panama, *Código de la Familia*, (1994), article 508; available from http://www.legalinfo-panama. com/legislacion/familia/codfam_index.htm. See also Government of Panama, *Constitución Política de la República de Panamá con reformas hasta 2004*, (1972), article 70; available from http://pdba.georgetown.edu/ Constitutions/Panama/constitucion2004.pdf. See also Government of Panama, *Código de Trabajo*, (August 12, 1995), article 117(1); available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/42679/67564/S95PAN01.htm.
- ³⁹⁷⁵ Government of Panama, *Código de Trabajo*, article 117(2).
- ³⁹⁷⁶ Government of Panama, *Ley Orgánica de Educación*, 10,113, (September 24, 1946), article 46; available from http://www.asamblea.gob.pa/busca/index-legispan.asp.
- ³⁹⁷⁷ Government of Panama, *Constitución Política*, article 70. See also Government of Panama, *Código de la familia*, (1994), article 716.

- ³⁹⁷⁸ Government of Panama, *Código de Trabajo*, article 119. See also Government of Panama, *Código de la Familia*, article 716. See also Agrarian Code, *Código Agrario de la República de Panamá*, Ley 37, (September 21, 1962), article 403; available from http://190.34.208.115/Legis-Agro/Codigo Agrario/Codigo Agrario.asp.
- ³⁹⁷⁹ ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention*, 1973 (No. 138) *Panama (ratification: 2000)*, [online] 2006 [cited April 26, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=185 23&chapter=9&query=%28C138%29+%40ref+%2B+%28 Panama%29+%40ref&highlight=&querytype=bool&conte xt=0.
- ³⁹⁸⁰ Government of Panama, *Código de Trabajo*, article 118. See also Government of Panama, *Código de la Familia*, article 510.
- ³⁹⁸¹ Government of Panama, *Decreto Ejecutivo Número* 19: Que aprueba la lista del trabajo infantil peligroso, en el marco de las peores formas del trabajo infantil, 25,569, (June 12, 2006); available from http://www.asamblea.gob.pa/legispan/PDF_NORMAS/2000/2006/2006_548_0012.pdf.
- ³⁹⁸² Government of Panama, *Código de Trabajo*, article 125. See also Government of Panama, *Código Penal de Panamá*, (May 18, 2007), article 198; available from http://www.gacetaoficial.gob.pa/pdfTemp/25796/4580.pdf.
- ³⁹⁸³ Government of Panama, *Código Penal de Panamá*, articles 176 and 182.
- ³⁹⁸⁴ Ibid., article 180, 181, 183-186.
- ³⁹⁸⁵ Ibid., articles 177 and 179. See also ILO Committee of Experts, *Individual Direct Request concerning Forced Labour Convention, 1930 (No. 29) Panama (ratification: 1966),* [online] 2010 [cited April 26, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&t extbase=iloeng&document=23934&chapter=9&query=%28 C029%29+%40ref+%2B+%28Panama%29+%40ref&highli ght=&querytype=bool&context=0.
- ³⁹⁸⁶ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Panama (ratification: 2000),* [online] 2008 [cited April 26, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&docume nt=21894&chapter=9&query=%28C182%29+%40ref+%2B+%28Panama%29+%40ref&highlight=&querytype=bool&context=0.
- ³⁹⁸⁷ Comité para la Erradicación de Trabajo Infantil y la Protección del Trabajador Adolescente, *Plan Nacional de Erradicación del Trabajo Infantil y Protección de las Personas Adolescentes Trabajadoras 2007-2011*, June 2006, 39-40; available from http://www.oit.org.pe/ipec/documentos/plan_nacional_cetippat_completo.pdf.

- ³⁹⁸⁸ Comisión Nacional para la Prevención de los Delitos de Explotación Sexual, *Plan Nacional para la Prevención y Eliminación de la Explotación Sexual Comercial de Niños, Niñas y Adolescentes*, 2008, 30-38; available from http://white.oit.org.pe/ipec/documentos/plan nacional pana.pdf.
- ³⁹⁸⁹ Ministerio Público. "Novena Sesión de la CONAPREDES." http://www.ministeriopublico.gob. pa/DetalleDeNoticia.aspx?Id=1140 [online] August 2, 2009 [cited August 2, 2010]; available from http://www.ministeriopublico.gob.pa/DetalleDeNoticia.aspx?Id=1140.
- ³⁹⁹⁰ Ministerio de Trabajo y Desarrollo Laboral, *Decreto*, DM57-2010, (February 23, 2010); available from http://white.oit.org.pe/ipec/documentos/decreto_creacion_direccion_trabajo_infantil_panama_2010.pdf.
- ³⁹⁹¹ U.S. Embassy- Panama, *reporting, February 23, 2010*. See also U.S. Department of State, "Country Reports- 2009: Panama," section 7d.
- ³⁹⁹² U.S. Embassy- Panama, reporting, February 23, 2010.
- ³⁹⁹³ Ibid.
- ³⁹⁹⁴ Ibid.
- ³⁹⁹⁵ Ibid.
- ³⁹⁹⁶ Ibid.
- 3997 Ibid.
- ³⁹⁹⁸ U.S. Embassy- Panama official, E-mail communication to USDOL official, August 25, 2010.
- ³⁹⁹⁹ U.S. Department of State, "Country Reports- 2009: Panama," section 6. See also U.S. Embassy- Panama, *reporting*, *February 23*, 2010.
- ⁴⁰⁰⁰ U.S. Embassy- Panama, *reporting, February 23, 2010*. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Panama."
- ⁴⁰⁰¹ U.S. Embassy- Panama, *reporting*, March 10, 2010. See also U.S. Embassy- Panama, *reporting*, *February 23*, 2010.
- 4002 U.S. Embassy- Panama, reporting, February 23, 2009 para 4.
- ⁴⁰⁰³ Comité para la Erradicación de Trabajo Infantil y la Protección del Trabajador Adolescente, *Plan Nacional de Erradicación del Trabajo Infantil y Protección de las Personas Adolescentes Trabajadoras 2007-2011*, 5-8. See also ILO-IPEC, *Trabajo Infantil y Pueblos Indigenas*, 2006, 49-50; available from http://www.oit.org.pe/ipec/documentos/panama.pdf.
- ⁴⁰⁰⁴ Comité para la Erradicación de Trabajo Infantil y la Protección del Trabajador Adolescente and ILO-IPEC, *Hoja de Ruta para hacer de Panamá un país libre de trabajo infantil y sus peores formas*, 2009, 4, 6, 8, 11, 12; available from http://white.oit.org.pe/ipec/alcencuentros/interior. php?notCodigo=1769.

- 4005 Comisión Nacional para la Prevención de los Delitos de Explotación Sexual, Plan Nacional para la Prevención y Eliminación de la Explotación Sexual Comercial de Niños, Niñas y Adolescentes, 26.
- ⁴⁰⁰⁶ Institute for Human Resources, Capacity Building, and Vocational Training, *Estadísticas*, [online] 2009 [cited April 27, 2010]; available from http://www.ifarhu.gob.pa/estadisticas/docs/937515743136-32.pdf.
- 4007 Ibid.].
- 4008 U.S. Embassy-Panama, reporting, February 23, 2010.
- ⁴⁰⁰⁹ Ibid. Ministerio de Desarrollo Social. "Trabajo infantil en la mira de Secretaria de Niñez Adolescencia y Familia." http://www.mides.gob.pa/?p=1027 [online] December 23, 2009 [cited August 3, 2010]; available from http://www.mides.gob.pa/?p=1027.
- ⁴⁰¹⁰ U.S. Department of State, "Trafficking in Persons Report- 2010: Panama." See also U.S. Embassy- Panama, *reporting, March 10, 2010.*
- 4011 Ministerio Público, *Taller DevInfoLAC ESC*, [online]
 2010 [cited April 27, 2010]; available from http://www.ministeriopublico.gob.pa/DetalleDeNoticia.aspx?Id=976.
 See also Ministerio Público, *Panamá realiza Foro sobre el comercio sexual con personas menores de edad en Centroamérica*, *Panamá y República Dominicana*, [online]
 2010 [cited April 27, 2010]; available from http://www.ministeriopublico.gob.pa/DetalleDeNoticia.aspx?Id=1016.
 See also Ministerio Público, *Taller de Intercambios de experiencia entre Panamá y Costa Rica*, [online]
 2010 [cited April 27, 2010]; available from http://www.ministeriopublico.gob.pa/DetalleDeNoticia.aspx?Id=961.
- ⁴⁰¹² ILO-IPEC official, E-mail communication to USDOL official, June 17, 2010.
- ⁴⁰¹³ Ministerio de Desarrollo Social, *Informe de Avance de la Red de Oportunidades*, 2008, 23; available from http://www.mides.gob.pa/wordpress/wp-content/uploads/2009/07/avance_diciembre_2008.pdf. See also Ministerio de Desarrollo Social, "¿Que es la Red de Oportunidades?", 2010; available from http://www.mides.gob.pa/?page_id=24.